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| Examiner John Mulcahy | U.S. PTO Group 3739 | 703-746-3373 |       |

## Comments:

In re application of:

Takayuki SUZUKI et al.

Serial No.: 09/909,080

Filed: July 21, 2001

For: ENDOSCOPE AND ENDOSCOPIC INSTRUMENT  
AND METHOD USING SAME

Examiner: John Mulcahy

Art Unit: 3739

Please enter this response in the above-identified application.

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## PATENT

Docket No.: 53375/1439

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Takayuki SUZUKI, et al  
SERIAL NO. : 09/909,980  
FILED : 23 July 2001  
FOR : ENDOSCOPE AND ENDOSCOPIC INSTRUMENT AND  
METHOD USING SAME  
GROUP ART UNIT : 3739  
EXAMINER : John MULCAHY  
ASSISTANT COMMISSIONER  
FOR PATENTS  
Washington, DC 20231

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

S I R:

In response to the Office Action mailed October 3, 2002, Applicants hereby elect without traverse the invention of Group 1, and the species embodied in figures 28-30. The claims readable thereon are claims 1 - 4, 6 - 12 and newly added claim 20. Please amend the following claims pursuant to this restriction requirement:

Please cancel claims 5, 13-19 without prejudice to filing in a divisional application.

Please amend the claims to read as follows:

- 54215  
B1
1. (Amended) An apparatus for forming an artificial valve to treat gastroesophageal reflux disease comprising:  
a first endoscope to be inserted from the mouth into a body cavity;  
a holding device extending out of the distal end of the first endoscope <sup>for</sup> and holding a point of a digestive wall of the cavity body where the artificial valve is formed;